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Kirit C. Shah, M.D. v. Stan Harris and Nancy Harris

Lesson 3: Oral Arguments On-Line

A lesson plan for secondary teachers on conducting mock oral arguments*

*The staff of the judicial branch chose this case as a useful tool to teach an interesting aspect of the law. Its selection has no bearing on how the case will ultimately be decided. Since the members of the court did not participate in the preparation of the lesson plan, the issues raised in it will not necessarily be addressed in the oral argument.

Background:

Teachers should ask their students to read [the case summary and the briefs](#) of the appellant (the person bringing the case) Kirit C. Shah, M.D. and the appellees (the people who won in the court decision at the trial court) Stan and Nancy Harris, and [watch the October 9, 2001 oral argument](#) before the Indiana Court of Appeals. These materials are available on-line at <http://www.in.gov/judiciary/education/oao.html>.

A [glossary](#) of legal terms used in this and other Courts in the Classroom lesson plans is available on-line as well.

Learning Objectives:

At the end of this lesson students should be able to:

1. Conduct a mock oral argument based on the briefs provided and further research as assigned by the instructor;
2. Articulate and differentiate between the arguments made by opposing counsel in an oral argument; and
3. Write an opinion for the case outlining why one legal argument prevailed over the other based on their own reading, research, and viewing of the oral argument.

Learning Activities:

Note: The order of these activities is arbitrary. A teacher might decide to have their class watch the oral argument first, and then conduct a mock hearing, or vice versa. In the event that you would like students to watch another oral argument yet remain unbiased about this case's content, please return to the main [Courts in the Classroom](#) website to select an appropriate case.

1. Teachers should ask their students to read the case briefs and the case summary for *Shah v. Harris*. Divide the class into several groups: [the appellant](#) (Shah), the [appellees](#) (Mr. and Mrs. Harris), and the court officers (a bailiff, timer, and a three judge panel). Each group will be assigned the task of preparing for a different part of the oral argument. *Shah* is a Court of Appeals case, thus the reason for the three judge panel instead of the Supreme Court's five judge panel.
2. Students should use the information they have gathered in order to conduct a mock oral argument. (The information provided in Lesson 1 might be helpful for this exercise as well). Those assigned to act as judges should read the briefs and research the cases the attorney's rely on most heavily in the briefs. (Recent [Indiana court opinions](#) can be accessed online. Libraries that carry the Indiana Cases volumes will have all Indiana cases.) Students judges might also prepare questions to ask the attorneys. Those acting as attorneys (and their staff of law clerks) should prepare an argument for the court. A judge may interrupt at any time with a question. Some judges are very active questioners, as exemplified by the panel in the *Shah* case.
3. Watch the oral argument in the case of [Shah v. Harris](#). Students should take notes on the arguments made by each attorney. How well did they present the information outlined in their briefs? Have they presented any new arguments? Did the judges ask many questions? How would you characterize their questions? Were there issues the judges seemed particularly interested in pursuing?
4. After watching the *Shah* oral argument, or conducting your own mock argument, ask students to write an opinion for the case. You may ask them to write a majority opinion, a concurring opinion, or a dissent. Make sure the students address the specific legal argument under discussion. They should not give their feelings about the case. Instead, they should come to a conclusion based on the facts presented and legal precedents. Recent and current [Indiana Supreme Court and Court of Appeals opinions](#) are archived on the judiciary website if you wish to provide your students with sample opinions. When this case is decided we will provide a link from the October 2001 Case of the Month.

For Further Study

Oral arguments are heard regularly by the Indiana Supreme Court, the Court of Appeals, and the Tax Court. Teachers might consider bringing a class to tour the State House and to watch an oral argument. To arrange a special tour of the courtroom or to check on upcoming oral arguments please contact Elizabeth Osborn at (317) 233-8682 or eosborn@courts.state.in.us. [Guided tours of the State House](#) can be arranged through the tour office at (317) 233-5293 or captours@idoa.state.in.us.

The [legal links](#) menu on the Judicial System's homepage provides a wide variety of resources for students and teachers. From this site teachers can link to opinions handed down by Indiana and federal courts, publications and contact information for local and national bar associations, Indiana law schools, and other sites containing legal resources.

If you are interested in viewing an oral argument from another state Supreme Court consider visiting [Florida's court website](#).

Related Indiana Social Studies Standards

U.S. Government.3.6: Explain the functions of the courts of law in governments of the United States and the state of Indiana with emphasis on the principles of judicial review and an independent judiciary.

U.S. Government.1.13: Examine fundamental documents in the American political tradition..., the United States Constitution,...the Indiana Constitutions of 1816 and 1851 to identify key ideas regarding the nature of limited government and the protection of individual rights.

U.S. Government.5.13: Practice civic skills and dispositions by participating in a group of activities such as simulated public hearings, mock trials, and debates.